

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICHOLAS M. MARTIN,)
individually and on behalf of a class,)
Plaintiff,) Judge Lindberg
v.) 10cv5142
PIKNICK KAFE, INC.,)
d/b/a HORIZON CAFE)
and DOES 1-10,)
Defendants.)

**PLAINTIFF'S MOTION TO ENTER AND CONTINUE
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Plaintiff Nicholas Martin respectfully requests that the response and reply dates concerning his motion for class certification be stricken and that his motion for class certification be entered and continued until the Court sets an initial status hearing in this matter.

In support of this motion, plaintiff states as follows:

1. On August 16, 2010, Plaintiff filed his complaint and motion for class certification.
2. On August 18, 2010, this Court entered an Order stating that Defendant's response to Plaintiff's motion for class certification is due on September 2, 2010 and that Plaintiff's reply in support of his motion for class certification is due on September 9, 2010.
3. Defendant was served with the complaint and motion for class certification on August 25, 2010.
4. Defendant has yet to file an appearance in this case or to contact Plaintiff's counsel.
5. Therefore, Plaintiff requests that the response and reply dates concerning his motion for class certification be stricken and that his motion for class certification be entered and continued until the Court sets an initial status hearing in this matter.

WHEREFORE, plaintiff respectfully requests that the response and reply dates concerning his motion for class certification be stricken and that his motion for class certification be entered and continued until the Court sets an initial status hearing in this matter.

Respectfully submitted,

s/Catherine A. Ceko
Catherine A. Ceko

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CERTIFICATE OF SERVICE

I, Catherine A. Ceko, hereby certify that on September 3, 2010, the foregoing document was filed electronically. A copy of the foregoing document was sent by US mail on the following party:

Piknick Kafe, Inc. d/b/a Horizon Cafe
c/o Registered Agent Nicholas J. Cocalis
4412 N. River Rd.
Schiller Park, IL 60176

s/Catherine A. Ceko
Catherine A. Ceko